

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

ROBERT MARTIN,	)	CASE NO. 5:04 CV 2387
	)	
Plaintiff,	)	JUDGE JAMES S. GWIN
	)	
v.	)	
	)	<u>ORDER</u>
MARCELLA HAWKINS, et al.,	)	
	)	
Defendants.	)	

This prisoner civil rights action filed by Robert Martin was dismissed on February 28, 2005, and an order assessing the filing fee and requiring installment payments from Mr. Martin's prisoner account was filed on the same date. On May 14, 2007, Mr. Martin filed a "Motion to Vacate Filing Fee Garnishment," wherein he asserts that the assessment and deduction of the filing fee from his prisoner account violates due process and is an unlawful taking of property.

The assessment and deduction of the filing fee from plaintiff's prisoner account is mandated by statute and by case law from this Circuit. 28 U.S.C. § 1915(b)(1); McGore v. Wrigglesworth, 114 F.3d 601, 604-05 (6th Cir. 1997). Accordingly, the Motion to Vacate Filing Fee is hereby denied. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this order could not

be taken in good faith.

IT IS SO ORDERED.

Dated: May 24, 2007

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE